

REMARKS

Applicants respectfully request reconsideration and withdrawal of the rejections made in the outstanding Office Action based on the following remarks.

Claims 1, 2, 4-8 and 10 were rejected as being anticipated by U.S. Pat. No. 4,166,554 (“Fratterigo”). Applicants respectfully traverse the rejection. Fratterigo does not disclose all of the elements of Claim 1. That is, Fratterigo does not disclose a bottle containing “liquid medicine” as required by Claim 1. Instead, Fratterigo discloses that its container contains “liquid soap, bath foam, toothpaste, brillante or any other required cosmetics products.” Col. 2, lines 54-56. Therefore, the rejection should be withdrawn for at least this reason. Furthermore, Fratterigo does not disclose a “flexible” bottle or that “squeezing the bottle produces a flow of liquid medicine through the closure”, as required by claim 1. Instead, Fratterigo discloses that “to extract a measure of the contents [of the Fratterigo container], it is necessary only to press the teat 13 by one finger at the front missing portion of the protection cylinder 14.” Col. 3, lines 1-3. That is, Fratterigo discloses pressing the *teat*, and not the bottle (or “container”) itself, as required by claim 1. Therefore, the rejection should be withdrawn on this independent basis as well. Claims 2, 4-8 and 10 depend from claim 1 and are allowable for at least the reasons given above. Accordingly, Applicant respectfully request that the rejection of Claims 1, 2, 4-8 and 10 be withdrawn.

Claims 3 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fratterigo in view of U.S. Pat. No. 5,542,585 (“Peters et. al.”). These rejections are

moot since Claims 3 and 9 depend from Claim 1, and are allowable for at least the reasons given above. Peters does not cure the deficiencies of the Fraterrigo reference discussed above.

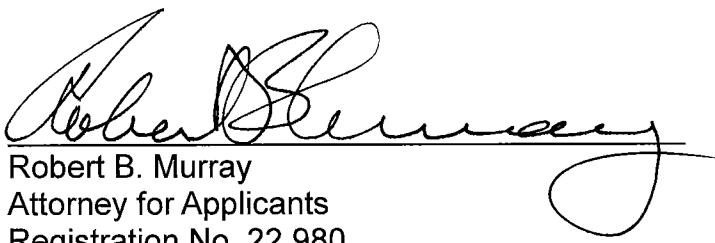
In addition, it would not have been obvious to one of ordinary skill in the art to modify Fraterrigo in order to reach the present invention as claimed in Claim 1. That is, the container disclosed in Fraterrigo is rigid and mounted on a wall in an upside down position to allow a user to dispense cosmetics by pressing one side of a teat with one finger. A person having ordinary skill in the art would have to significantly modify the Fraterrigo container to achieve the claimed invention. For example, one of ordinary skill would have to exchange cosmetic product contents of the container with liquid medicine, make the container flexible, and adapt the closure and container to dispense liquid medicine upon squeezing the bottle. Therefore, Fraterrigo would not provoke the imagination of one of ordinary skill in the art when confronting the problem of providing controlled and convenient dispensing of liquid medicines. The only way one could reach the conclusion that it would have been obvious to modify Fraterrigo to achieve the present invention is through the use of impermissible hindsight, which is forbidden in an obviousness analysis. Moreover, the Peters reference is in the field of “pivotably mounted spouts”, and neither the field nor the shape of the Peters container are in any way related to the problem solved by the present invention, which is providing controlled and convenient dispensing of liquid medicines. Indeed, if one were to combine Fraterrigo and Peters the resulting product would be a pivotably mounted teat, which is far from that which is claimed in the present invention. Accordingly, Applicants respectfully submit that the present invention as claimed in Claim 1 is not obvious in

view of Fraterrigo and Peters. Claims 3 and 9 depend from Claim 1, and are non-obvious for at least the reasons given above.

In view of the foregoing remarks, Applicants respectfully request withdrawal of the rejections made in the outstanding Office Action. Early and favorable action is awaited. The Director is authorized to charge any fees or overpayment to Deposit Account No. 02-2135.

Respectfully submitted,

By



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